HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 18268 of 2007

Dated 28th August 2007

Between:

B.Ravindra Reddy and another.

...Petitioners

and

Sub-Registrar and another.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 18268 of 2007

O R D E R:

Petitioners 1 and 2 are said to be the owners and possessors of land in Survey Nos.98, 100 and 101 of Kommalapudi Village and Survey Nos.98, 99, 251, 252, 253-A, 253-B and 254 of Bandepalli Village respectively of Manubolu Mandal, Nellore District. It is stated that they intended to sell the same and in that process, approached the 1st respondent for registration. The petitioners complain that the 1st respondent is not entertaining the sale deeds

presented by them, in respect of the said land, allegedly on the basis of instructions received from the superior authorities.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Till recently, the scope of refusal to register a document was very limited. The A.P. State Legislature had introduced Section 22-A of the Registration Act 19 of 2007, which provided for several contingencies, under which the registering authority can refuse to register a document. In addition to that, Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 prohibits registration of documents in relation to assigned lands. However, unless the document is attracted by the said provisions, the registering authority cannot refuse registration. Whenever any such reasons or grounds are noticed, they must be communicated to the parties to the document, without any loss of time. Further, the authority cannot refuse to receive the document, because the actual consideration would arise, only after it is received and examined with reference to the relevant provisions. Mere receiving of document does not confer any right or lead to any change in relationship vis-à-vis the property.

Hence, the Writ Petition is disposed of, directing that the 1st respondent shall receive the documents, that may be presented by the petitioners, but shall examine the same with reference to the relevant provisions of law, including Section 22-A of the Registration Act 19 of 2007 and Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977. In case, the lands are not covered by the said provisions, the documents shall be admitted to registration, on being satisfied about the adequacy of stamp duty and registration charges. On the other hand, if the registration is prohibited under the said provisions, the reasons shall be communicated to the petitioners, within ten (10) days from the date of presentation of the documents. There shall be no order as to costs.

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28.08.2007

JSU